

Application No. 10/559,996
AMENDMENT dated September 25, 2008
Reply to Office Action of June 25, 2008

REMARKS/ARGUMENTS

Claims 1-20 remain in this application. Claim 21 has been added.

Specification

Applicants believe that page 51 of the specification was provided in the original filing. Page 51 was the first page of the claims, which was also provided in the Preliminary Amendment as filed.

The specification has been amended to provide headings as suggested.

Rejections of Claims 1-2, 13-14 under 35 U.S.C. 112, Second Paragraph

Claim 1 has been amended to indicate that the compound may be formula Ia or Ib.

Claim 1 has been further amended to change "carries" to "contains".

Rejections of Claims 1-2, 13-14 under 35 U.S.C. 112, First Paragraph

Claim 1 has been amended to indicate that R₁ is H, hydroxy or a hydrocarbon residue which has from 1 to 10 carbon atoms. Support for these amendments can be found at paragraph [0033].

The Examiner indicates that all examples refer to formula (Ia), whereas no example is provided in the present invention for compounds of formula (Ib). Compounds of the formula (Ib) are prepared analogously to compounds of formula (Ia) by a multicomponent reaction, namely a Passerini reaction, which is analogous to the Ugi reaction by means of which formula (Ia) is prepared. Further, compounds of formula (Ib) possess similar features as compounds of formula (Ia), in particular their ability to covalently bind to further compounds via the at least one binding group Y, namely to biotechnological, pharmaceutical or synthetic active compounds and also to surfaces of biocatalysts.

Claim 1 is further objected to, as the Examiner indicates that Examples of the invention only refer to compounds corresponding to substance 16 on page 41 of the description of the invention, in which X exhibits one group of formula (IIa) and n is 3. Provided along with this Amendment is a Declaration under 35 U.S.C. 1.132 providing additional data to demonstrate

compounds which show two groups of formula IIa and wherein n is 4.

Claim 2 has been amended to indicate that binding group Y is selected from compounds which can covalently bind.

Rejections of Claims 1-2, 13-14 under 35 U.S.C. 102

The claims as now pending are not anticipated or obvious in view of Rathore et al.

The compound of specified formula (Ia) of claim 1 is novel in view of Rathore et al. Rathore et al. teach a segmented block copolymer containing a polyethylene segment and Gly-Ala-Gly-Ala sequences (s. abstract). In particular, Rathore et al. disclose on page 357 in Scheme 2 a compound of formula 6 consisting of two NH-Ala-Gly-Ala-Gly-Boc groups, which are linked by a polyethylene group. In Scheme 2, a further compound of formula P5S and/or P5I is disclosed, which is a copolymer prepared by solution and/or interfacial method consisting of alternately repeating units of polyethylene glycol and a peptide.

The subject matter of formula (Ia) of claim 1 of the present invention differs from formula 6 of Rathore et al. by exhibiting at least two groups of the formula (IIa), wherein formula 6 of Rathore et al. only exhibits one group.

With respect to formula P5S and/or P5I of Rathore et al, the upper part and the R group of said formula fall under formula (Ia) of claim 1 of the present invention, when V is a hydrocarbon residue which can contain heteroatoms, W is methyl, X is hydrogen, Z contains a binding group Y and at least two groups of formula (IIa), wherein n is 5. However, the lower residue of formula P5S and/or P5I of Rathore et al., which corresponds to residue R₁ in formula (Ia) of claim 1 of the present invention, differs from formula (Ia) of claim 1 in that R₁ has from 1 to 10 carbon atoms, whereas the lower residue of formula P5S and/or P5I of Rathore et al. has much more than 10 carbon atoms.

Rejoinder of Claims

Applicants respectfully request rejoinder of non-elected claims. The claims as now amended are appropriate for rejoinder as all compounds now claimed in 1-20 are united by a

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common invention concept, namely compounds and/or method of preparing compounds which exhibit at least two groups of formula IIa.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

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